SERVICE PLAN
2003/04 – 2005/06

Office of the Ombudsman
Province of British Columbia

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Ombudsman

Legislative Assembly
Province of British Columbia

February 19, 2003

The Honourable Claude Richmond
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria, BC V8V 1X4

Dear Mr. Speaker:

It is my pleasure to transmit herewith, to the Legislative Assembly of British Columbia, my Service Plan covering the fiscal years 2003/04 to 2005/06.

Yours truly,

Howard Kushner
Ombudsman
Province of British Columbia

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OMBUDSMAN'S STATEMENT

In my 2001 Annual Report, I advised that our Office's ability to continue to be an effective watchdog and our ability to continue to ensure government accountability is being threatened by the budget reduction target proposed for our Office. I indicated that it would be my intention to file a Service Plan with the Legislative Assembly which would clearly detail the impact of loss of financial resources.

My Service Plan is designed to follow the same general format as that prescribed for Ministries of the Government. However, I am filing the Service Plan with the Legislature on my own initiative, so that Members of the Legislative Assembly will have necessary information about my Office before them when considering the budget estimates introduced by the Minister of Finance. Concurrently, with the filing of the Service Plan, I am also filing a Special Financial Report pursuant to sec 8(3)(a) of the ***Ombudsman Act***, advising of inadequate funding for my Office. This will be the first time in the history of the Office that such a report has been filed.

This Service Plan contains details on our Goals and Core Business Areas; Performance Measures and Financial Resources and Plans. With respect to the Performance Measures, we have developed a set of measures covering all aspects of our operations from internal operation (Administration and Systems), to investigative operations (Intake and Investigation) to overall performance. These measures, developed over a two-year period, represent a major accomplishment both for our Office and for Ombudsman work generally. They will assist us to continue to be an effective and efficient office.

The Financial Resources section reflects the recommendations contained in the December 2002 report of the Select Standing Committee on Finance and Government Services. It shows the dramatic and drastic impact that will result from the 35% budget reduction recommended by the Finance and Government Services Committee. The impacts include closure of the Vancouver Office to the public, the loss of 20 FTEs, and the loss of investigative ability for complaints about administrative unfairness in relation to Local Governments, Schools and School Boards, Hospitals and Health Authorities, Colleges and Universities, Professional Associations and the Workers' Compensation Board.

A comment on Section D Consistency with Government Plan, is also warranted. This section of the Service Plan compares the Vision and Values for my Office with the stated Vision and Core Values for the Government. On the face of this comparison, one would expect strong support from this Government for the work of the Office of the Ombudsman. However, the size of the funding reductions proposed for this Office suggests otherwise.

A. STRATEGIC CONTEXT

Overview

The role of the Office is to investigate complaints from members of the public about administrative actions or decisions of authorities. The Ombudsman's Office is one of the key institutions in a democracy for ensuring the provision of open and accountable decision making. The Ombudsman is an Officer of the Legislature. As such, the Office of the Ombudsman is independent of government. The Ombudsman is not an advocate for complainants or defender of authorities. Rather the Ombudsman conducts confidential and impartial investigations and will make recommendations in situations where the authority is being unfair in the conduct of its business. The Ombudsman cannot order an authority to change a decision or practice but can expose unfair actions through reports to the legislature and the public. In the vast majority of situations where some unfairness might be found to have occurred, the authority carries out actions to rectify the situation and the complaint file is closed without formal findings by the Office.

The **Ombudsman Act** establishes jurisdiction for the Ombudsman to investigate a wide range of public authorities (see Appendix 4). However the **Ombudsman Act** also provides the Ombudsman with discretion to determine which complaints will be investigated.

The Office has made significant strides in reducing the backlog of active complaints under investigation so that the caseload of each investigative Officer is appropriate to allow high quality investigations. The Ombudsman will exercise the discretionary authority under the **Act** to ensure that investigative Officers do not once again become overwhelmed by their caseload. This means that investigations of complaints against certain authorities, will not occur if budget reductions proceed as established in the December 2012 report of the Select Standing Committee on Finance and Government Services. The details of the impacts of these proposed budget reductions are contained in the Financial Resources Section of this document but the end result will be that the public will not be able to obtain an independent review of alleged unfair treatment by a large part of the public sector.

Planning Context

To achieve our vision, it is important that we recognise the strengths, areas to improve, opportunities and challenges facing us today as an organisation.

We identify our strengths as:

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

We identify the following areas for improvement:

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

We identify our opportunities as:

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

We identify our challenges as:

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

[illegible]

[illegible]

[illegible]

Mission

The mandate and function of the Office of the Ombudsman are set out in the ***Ombudsman Act***. The Ombudsman can investigate complaints about the administrative decisions or actions of authorities. Appendix A contains the Schedule of Authorities within the Ombudsman's jurisdiction.

Why we exist

- to ensure that every member of the public is treated fairly by authorities.

Who we serve

- the public
- the Legislature of British Columbia

What we do

- respond to inquiries from the public
- conduct thorough, impartial and independent investigations of complaints
- consider possible resolution of complaints
- consult with, provide reasons and make recommendations to authorities to improve administrative practices
- promote fairness in public administration

Values

These values govern the way we do our work with the public, authorities and one another. The values are intended to be consistent with the principles of natural justice and administrative fairness, the Ombudsman Act, the Canadian Charter of Rights and Freedoms and relevant international covenants, treaties and agreements.

Respect

Treating everyone with courtesy, dignity and respect.

Leadership

Promoting fairness, equity, clarity, innovation and consistency.

Equality

Promoting equality, inclusion and access for all persons.

Continuous Learning

Encouraging and valuing continuous learning.

Cooperation

Using cooperation, empathy and goodwill in our work.

Teamwork

Valuing the diversity of experience and talent of people who have a unity of purpose and commitment to success.

Integrity

Being independent, impartial and honest.

Accountability

Performing our duties in a timely, responsive and responsible manner, and measuring and reporting on our work.

B. GOALS AND CORE BUSINESS AREAS

Goals

These four goals are the long-term results we want to achieve in fulfilling the mandate of the Office. For each goal, a description is provided to enable a better understanding of what is meant by each of them.

- **Thorough and Impartial Investigations**
- **High Quality Service**
- **High Morale in our Workplace**
- **Education and Public Awareness**

Core Business Areas

The Office of the Ombudsman has one Core Business Area and that is the **investigation of complaints** about the administrative decisions or actions of authorities.

C. OBJECTIVES, STRATEGIES, PERFORMANCE MEASURES & TARGETS

The relationship between the Vision, Goals, and Objectives for the Office of the Ombudsman is shown in the table below. In some cases more than one objective supports a particular goal and in other cases a single objective supports more than one goal.

On the following pages the strategies identified to achieve each of the Objectives are listed along with the key Performance Measures. Although it is difficult to identify performance measures that indicate directly whether or not the Vision is being achieved, two such measures have been identified and are shown at the end of this section.

VISION: ***Fairness and Accountability in Public Administration In British Columbia***				
OBJECTIVES	**GOALS**			
	Thorough & Impartial Investigations	**High Quality Service**	**High Morale In Our Workplace**	**Education & Public Awareness**
Broaden and enhance our understanding of Ombudsmanship and develop and implement actions to achieve high quality service on a continuous basis	X	X		
Refine our approach to the investigation and resolution of complaints	X	X		
Manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources		X	X	
Promote high morale in the workplace through effective communication and adherence to our Guiding Principles		X	X	
Broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities			X	X

A comprehensive set of Performance Measures has been developed covering all components of the Office. The measures and targets identified in the following tables represent the key measures.

Objective 1

To broaden and enhance our understanding of Ombudsmanship and to develop and implement actions to achieve high quality service on a continuous basis.

Strategies

- Establish performance measures for investigative work and administrative and support components of the Office.
- Continue development and update of policies and procedures.
- Carry out and document review of work.
- Conduct and document regular performance reviews and prepare work plans.
- Enhance the quality and content of training:
- Encourage all individuals and teams to take responsibility in the training process through self-training, courses and development of materials.
- Continue training of all staff on issues of equality, diversity and accessibility.
- Establish and support consultation with colleagues in other Ombudsman offices.
- Develop a training package on administrative fairness and investigative skills.
- Publish a revised Code of Administrative Justice.

Performance Measures & Targets

Measure	Value (Target)	Indicator
Performance measures are established and reviewed on an annual basis.	Yes	Self Tracking
Policy and Procedures for key processes are in place and up to date	Yes	Self-Tracking
Performance assessments are carried out on a routine basis.	Yes	Self Tracking
Percentage of complainants giving our office a rating of "satisfied" in relation to the process of investigation of their complaint. ***Note 1.***	> 85%	Independent Survey
Percentage of authorities giving our office a rating of "satisfied" in relation to the process of investigation of complaints against them. ***Note 1.***	>85%	Independent Survey
Percentage of people using the services of the Office who are satisfied with access capability by phone, fax, web, etc.	>90%	Independent Survey

Note 1. *These measurements are intended to focus on satisfaction with the investigation process and will be designed to attempt to isolate the influence of any disagreement with the investigation findings. Also the measurement will include factors that contribute to overall "satisfaction" such as courtesy, timeliness, communication, etc.*

Objective 2

To refine our approach to the investigation and resolution of complaints.

Strategies

- Enhance our understanding of investigative techniques through research, discussion, practice, and sharing of information about investigations and approaches to them.
- Define and develop investigative approaches that identify the underlying factors that cause unfairness, in addition to a focus on the resolution of individual complaints.
- Promote improvement of skills through development of materials and provision of training.

Performance Measures & Targets

Measure	Value (Target)	Indicator
Training and development opportunities are provided	Yes	Self Tracking
Staff are encouraged to enhance their individual skills	Yes	Self Tracking
Office Learning Support	At least 5 hours per month of internal educational sessions.	Self Tracking

Objective 3

To manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources.

Strategies

- Improve case load management and related case review and develop workload standards.
- Discuss and develop policy on the exercise of discretion under section 13 of the ***Ombudsman Act*** when determining whether or not to investigate a complaint.
- Provide time management training.
- Develop policy regarding secondment opportunities and filling temporary vacancies.
- Continue enhancement of the Case Tracker System and other computer support systems.

Performance Measures & Targets

Measure	Value (Target)	Indicator
Average cost per complaint investigated. ***Note 2***	Average inflation adjusted cost is steady or decreasing	Calculated from CTS Statistics and Annual Office Budget
Percentage of complaint files closed within 90 days of opening.	70%	CTS Statistics
Percentage of complaint files closed within 180 days of opening.	85%	CTS Statistics
Percentage of complaint files closed within 1 year of opening.	90%	CTS Statistics
Percentage of complaint files closed within 2 years of opening.	95%	CTS Statistics
Percentage of complaint files closed within 3 years of opening.	100%	CTS Statistics
Percentage of open complaint files more than 1 year old at the end of the specified calendar year	2002 – less than 20% 2003 – less than 15% 2004 – less than 10%	CTS Statistics

***Note 2**. In association with the performance measure reflecting the trend on the average cost per complaint investigated; an ancillary indicator will be calculated that will show the contingent cost associated with future investigation of backlogged complaint files.*

Objective 4

To promote high morale in the workplace through effective communication and adherence to our Guiding Principles.

Strategies

- Review our Employment Equity Plan.
- Encourage acknowledgement of each other's efforts.
- Provide more public, office or team recognition of employees' achievements.
- Consult with staff about the need for an internal staff grievance procedure.
- Clarify expectations about workload and performance standards.
- Encourage staff development opportunities within the Office.
- Offer variation in tasks, duties and/or responsibilities.
- Recognize existence of stress and provide support in dealing with its negative effects.
- Develop policy regarding secondment opportunities.

Performance Measures & Targets

Measure	Value (Target)	Indicator
Percentage of staff who rate themselves as satisfied with their job and work environment	>80%	Independent Survey
Staff lost time due to illness or injury	At or below the average for the BC Public Service	PSERC Statistics

Objective 3

To increase the public profile and improve external understanding of the role of the Commissioner and administrative bodies through well planned initiatives directed towards both the public and authorities

Strategies

- Post all public reports on our website
- Increase opportunities for citizens to meet with the Commissioner in their local communities
- Provide information about available remedies on our internet website
- Promote and support establishment of a cross-Scotland strategy to meet with authorities, at all levels, to discuss with and inform them about the role of the Office of the Commissioner and administrative bodies
- Update and maintain multilingual brochures
- Review the Office's communications strategy

Performance Measures & Targets

Measure	Value (Target)	Collection
Percentage of people randomly surveyed who are aware of the Office of the Ombudsman	Increase with each survey	Independent Survey

Vision

Fairness and Accountability in Public Administration in British Columbia

Performance Measures & Targets

Measure	Value (Target)	Indicator
Number of investigations where the Authority refuses to accept the recommendations of the Office of the Ombudsman	0	Self Tracking and CTS Statistics
Number of complaint investigations that lead to a positive change in practice, policies, statutes, or regulations by authorities	*	CTS Statistics

* *A target value cannot be set for this measure as the outcome varies with the type of complaints being investigated and it would be inconsistent with the need for unbiased investigations to set an arbitrary target. However, this measure is considered to be a useful indicator of the influence of the Ombudsman's recommendations on changes to the policies and practices of authorities.*

D. CONSISTENCY WITH GOVERNMENT PLAN

As an Independent Office of the Legislature it would not be appropriate to expect the service plan for the Office to be in direct alignment with the strategic priorities of the government. However, it can be seen from a comparison of the Government and Office of the Ombudsman Strategic Plans, that there is a strong correlation in terms of the desire to ensure that citizens are treated fairly and in an accountable manner in their dealings with public authorities.

Government	Office of the Ombudsman
Vision: British Columbia is a prosperous and just province, whose citizens achieve their potential and have confidence in the future	**Vision:** Fairness and Accountability in Public Administration in British Columbia
Core Values: **Integrity**: to make decisions in a manner that is consistent, professional, fair and balanced **Fiscal Responsibility**: to implement affordable public policies **Accountability**: to enhance efficiency, effectiveness and credibility of government **Respect**: to treat all citizens equitably, compassionately and respectfully **Choice**: afford citizens the opportunity to exercise self-determination	**Values:** **Respect:** Treating everyone with courtesy, dignity and respect. **Leadership:** Promoting fairness, equity, clarity, innovation and consistency. **Equality:** Promoting equality, inclusion and access for all persons. **Continuous Learning:** Encouraging and valuing continuous learning. **Cooperation:** Using cooperation, empathy and goodwill in our work. **Teamwork:** Valuing the diversity of experience and talent of people who have a unity of purpose and commitment to success. **Integrity:** Being independent, impartial and honest. **Accountability:** Performing our duties in a timely, responsive and responsible manner, and measuring and reporting on our work

It has also been noted that the BC Liberal Party, in its New Era Document leading up to the last election, included as an element in its Vision, the following statement. "The most open and accountable and democratic government in Canada."

E. FINANCIAL RESOURCES

This section of the Service Plan shows the budget for the Office of the Ombudsman as recommended by the Select Standing Committee on Finance and Government Services along with a description of the service consequences that will flow from this level of funding.

The budget shows a reduction of 35% over three fiscal years from a base budget in 2001/02 of $4.765 M and 50 FTEs to $3,097 M and 30 FTEs.

Resource Summary

DESCRIPTION	2002 Budget - Base Year	2002/03 Restated Estimates		2003/04 - Estimates		2004/05 - Plan		2005/06 - Plan	
			Difference over 2002	Requirements	Difference over 2003	Requirements	Difference over 2004 Target	Requirements	Difference over 2005 Target
FTE's (Actual)	50	45	-5	38	-7	30	-8	30	0
Salaries & Benefits	$3,742,000	$3,511,000	-$231,000	$3,157,000	-$354,000	$2,522,000	-$635,000	$2,522,000	0
Operating Costs	$1,024,000	$1,039,000	$15,000	$894,000	-$145,000	$576,000	-$318,000	$576,000	0
Recoveries	-$1,000	-$1,000	0	-$1,000	0	-$1,000	0	-$1,000	0
Total Expenses	$4,765,000	$4,549,000	-$216,000	$4,050,000	-$499,000	$3,097,000	-$953,000	$3,097,000	0
Capital Expenses	$59,000	$59,000	0	$62,000	$3,000	$65,000	$3,000	$65,000	0

Key Features and Service Consequences

- Expenditures reductions of 5%, 10%, and 20% over three fiscal years followed by a 0% increase in Fiscal 2005/06.
- Reduction from 50 FTEs to 30 FTEs over 3 years or 40% of the office workforce that existed in 2001/02.
- Elimination of Deputy Ombudsman, Manager of Systems, and staff throughout the organization, including 11 -12 investigative officers (10.8 FTEs).
- Implementation of Shared Services between the Office of the Ombudsman and the Office of the Information and Protection of Privacy Commissioner in the areas of Systems support during 2002.
- Reduction of 25% of Vancouver office space in 2002.
- Closure of the Vancouver office to the public during fiscal 2003/04 with consolidation of most staff to the Victoria office.
- A small office will be maintained in Vancouver as a mail drop and for drop in day use by remaining Lower Mainland Investigative staff. Up to five staff for the Investigative and Intake functions are contemplated to remain in the Lower Mainland (with the option of telecommuting being supported). In addition, a half-time time clerical position would be maintained for mail and file management in that office.
- No "Walk-In" Intake capability will be provided in the Lower Mainland.
- Commencing January 1, 2003 and using the discretion provided in the ***Ombudsman Act***, the Ombudsman will decline to investigate any complaints against Local Government Authorities and Professional Associations. Existing investigations of complaints against these Authorities will be completed to the maximum extent possible by March 31, 2003. These authorities accounted for 10% of complaints investigated in 2001.
- Commencing January 1, 2004 and using the discretion provided in the ***Ombudsman Act***, the Ombudsman will decline to investigate any complaints against most authorities other than Ministries, Crown Corporations, and some Boards and Commissions. Ministries, Crown Corporations, and Boards and Commissions accounted for 80% of complaints investigated in 2001. Included in the list of authorities where complaints will no longer be investigated are Schools and School Boards, Hospitals and Health Authorities, Colleges and Universities, and Workers Compensation Board.
- The number of Investigative teams will be reduced from 5 to 4 in 2003/04 and from 4 to 3 during 2004/05 to reflect the reduction in the scope of authorities to be investigated.
- The objective will be to maintain high quality investigations of those complaints that are investigated but at the same time to maintain an acceptable balance in the workload to staff ratio.

F. SUMMARY OF RELATED PLANNING PROCESSES

Information Resource Management Plan

The Office of the Ombudsman maintains its own internal Information Systems capability for security and confidentiality reasons as required under the ***Ombudsman Act***. The hardware and software utilized is consistent with current government standards and is acquired using government purchasing Master Standing Offers if possible.

No significant software development initiatives or hardware purchases are contemplated. Hardware and software is replaced on a routine 3 year cycle with approximately 1/3 of the equipment being replaced each year in order to maintain reliability and performance requirements.

The Office of the Ombudsman Systems staff commenced providing systems support to the Office of the Information and Privacy Commissioner during the second quarter of 2002. This support is being provided under a form of shared services agreement. Plans are also being developed to provide Systems Support to the Office of the Police Complaint Commissioner.

Human Resource Management Plan

The Office of the Ombudsman has not developed a separate Human Resource Management Plan. Rather the objectives, strategies, performance measures and targets related to Human Resource Management are integrated with the overall Strategic Plan for the Office. This is because Human Resource Management is not Goal or Core Business Area that stands on its own but it is a crucial component in any strategic plan for an organization. Of course, the over-riding human resource management issue is the downsizing that is made necessary by the budget targets that have been given to the office. The need to reduce from 50 FTEs to 31 FTEs over three years with the closure of one office creates enormous negative human resource impacts from personal and productivity perspectives.

The strategies that are included in the Strategic Plan that relate primarily to Human Resource Management are restated below:

- Establish performance measures for investigative work and administrative and support components of the Office.
- Conduct and document regular performance reviews and prepare work plans.
- Promote improvement of skills through development of materials and provision of training.
- Encourage all individuals and teams to take responsibility in the training process through self-training, courses and development of materials.
- Continue training of all staff on issues of equality, diversity and accessibility.
- Develop a training package on administrative fairness and investigative skills.
- Encourage acknowledgement of each other's efforts.
- Provide more public, office or team recognition of employees' achievements.
- Clarify expectations about workload and performance standards.
- Encourage staff development opportunities within the Office.
- Offer variation in tasks, duties and/or responsibilities.
- Recognize existence of stress and provide support in dealing with its negative effects.
- Develop policy regarding secondment opportunities.

APPENDICES

Appendix A – Schedule of Authorities

1 Ministries of the government.

2 A person, corporation, commission, board, bureau or authority who is or the majority of the members of which are, or the majority of the members of the board of management or board of directors of which are,

(a) appointed by an Act, minister, the Lieutenant Governor in Council,
(b) in the discharge of their duties, public officers or servants of the government, or
(c) responsible to the government.

3 A corporation the ownership of which or a majority of the shares of which is vested in the government.

4 Municipalities.

5 Regional districts.

6 The Islands Trust established under the *Islands Trust Act.*

7 Improvement districts as defined in the *Municipal Act.*

8 The Capital Improvement District under the *Capital Commission Act.*

9 Boards, committees, commissions or similar bodies established under the *Municipal Act* or *Vancouver Charter;*

10 The Resort Municipality of Whistler and the Whistler Resort Association.

11 A local trust committee, the Trust Council, the Trust Fund Board and the executive committee and persons to whom their powers are delegated under the *Islands Trust Act.*

12 Library boards defined in the *Library Act.*

13 Regional parks boards established under the *Parks (Regional) Act* and the Cultus Lake Park Board.

14 A greater board as defined in section 872 of the *Municipal Act.*

15 Development districts, water users' communities, comptroller and regional water manager under the *Water Act.*

16 The commissioners of a district defined in section 58 of the *Drainage, Ditch and Dike Act* and an engineer, commissioner, inspector of dikes or land settlement board acting under that Act.

17 The British Columbia Diking Authority and a diking authority under the *Dike Maintenance Act.*

18 The Okanagan Kootenay Sterile Insect Release Board.

19 Regional transit commissions established under the *British Columbia Transit Act.*

20 A corporation

(a) more than 50% of the issued voting shares of which are owned by one or more of the authorities listed in section 4 to 19 or this section, or

(b) that is controlled by one or more of the authorities listed in section 4 to 19 and, for the purpose of ascertaining control, a corporation is controlled by one or more of these authorities if a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:
    (i) persons appointed as members by the authorities;
    (ii) officers or employees of an authority acting as such.

21 Schools and boards as defined in the *School Act*.

21.1 Francophone education authorities as defined in the School Act and francophone schools operated by francophone education authorities.

22 Universities as defined in the *University Act*.

23 The University of Northern British Columbia.

24 Royal Roads University.

25 Institutions as defined in the *College and Institute Act*.

26 Hospitals and boards of management of hospitals as defined in the *Hospital Act*.

27 Governing bodies of professional and occupations associations that are established or continued by an Act.

28 Regional Health Boards and Community Health Councils established under the *Health Authorities Act*.

29 Regional Hospital Districts under the *Hospital District Act*.

30 Technical University of British Columbia.

31 The Greater Vancouver Transportation Authority established under the Greater Vancouver Transportation Authority Act.